

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP.,
Plaintiff,

vs.

SMALL VALUE PAYMENTS
COMPANY
Defendant.

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No. 2:04cv85
Hon. David J. Folsom

(Plaintiff's Proposed) DOCKET CONTROL ORDER

Pursuant to the Court's authority under Federal Rules of Civil Procedure 16 and 26, it is hereby ORDERED that the parties comply with the following docket control timetable:

STEP	ACTION	RULE	DATE
1	Initial Case Management Conference	Patent L.R. 2-1 FRCP 26(f)	To be determined
2	Parties Exchange Initial Disclosures	FRCP 26(f)	1/7/05
3	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions	Patent L.R. 3-1	1/14/05
4	Patentee makes Document Production Accompanying Disclosure	Patent L. R. 3-2	1/14/05
5	Case Management Statement	Patent L.R. 2-1 FRCP 26(f)	1/7/05
6	Accused Infringer serves Preliminary Invalidity Contentions	Patent L. R. 3-3	1/14/05
7	Accused Infringer makes Document Production Accompanying Preliminary Initial Disclosures	Patent L.R. 3-4	1/14/05
8	If necessary, Parties	Patent L. R. 4-1 (a)	1/14/05

	Exchange any Proposed Terms and Claim Elements for Construction not already before the Court		
9	If necessary, Parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction not already before the Court	Patent L. R. 4-1 (b)	1/14/05
10	If necessary, Parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence not already before the Court	Patent L. R. 4-2	1/21/05
11	If necessary, Parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence not already before the Court	Patent L. R. 4-2 (c)	1/28/05
12	If necessary, Parties meet and confer to discuss Claim Construction Proceedings		2/4/05
12(a)	If necessary, Parties exchange Supplemental Preliminary Claim Construction		2/4/05
13	Parties Jointly file joint Claim Construction and Prehearing Statement	Patent L. R. 4-3	2/11/05
14	Completion of Claim Construction Discovery	Patent L. R. 4-4	2/18/05
15	Patentee files Opening Claim Construction Brief on Claim Construction issues		2/25/05
16	Accused Infringer files Responsive Claim Construction Brief on Claim Construction issues		3/4/05
17	Patentee files Reply Brief on Claim Construction issues		3/11/05
18	Hearing on Claim Construction issues		3/18/05
19	Ruling on Claim Construction issues entered by the Court		5/9/05

20	Patentee makes Final Infringement Contentions	Patent L.R. 3-6 (a)	6/8/05
21	Accused Infringer makes Final Invalidity Contentions	Patent L. R. 3-6 (b)	6/28/05
22	Accused Infringer makes Disclosure Relating to Willfulness	Patent L. R. 3-8	6/28/05
23	File Summary Judgment Motions on Invalidity	Patent L. R. 5-2	4/8/05
24	Completion of Unenforceability Discovery	Patent L. R. 6-5	4/22/05
25	File Responsive Briefs to Summary Judgment Motions on Invalidity	Patent L.R. 5-2	4/25/05
26	Accused Infringer makes Final Unenforceability Contentions	Patent L.R. 6-4	4/26/05
27	File Reply Briefs Regarding Summary Judgment Motions on Invalidity	Patent L.R. 5-2	5/10/05
28	File Summary Judgment Motions on Unenforceability	Patent L.R. 6-6	6/10/05
29	File Responsive Briefs to Summary Judgment Motions on Unenforceability	Patent L.R. 6-6	6/24/05
30	File Reply Briefs Regarding Summary Judgment Motions on Unenforceability	Patent L.R. 6-6	7/1/05
31	Parties file Amended Pleadings		7/4/05
32	Parties make Final Designations of all Expert Witnesses (except rebuttal witnesses)		7/4/05
33(a)	Parties Provide Expert Witness Reports		7/11/05
33(b)	Parties Provide Rebuttal Expert Witness Reports		7/25/05
34	Completion of all Remaining Fact Discovery		8/8/05
35	Completion of all Remaining Expert Discovery		8/22/05
36	Patentee identifies Trial Witnesses		8/29/05

37	Accused Infringer identifies Trial Witnesses		9/5/05
38	Deadline for filing all Dispositive and <i>Daubert</i> Motions		9/12/05
39	Deadline for filing Responses to Dispositive and <i>Daubert</i> Motions		9/19/05
40	Parties to file Proposed Joint Final Pretrial Order that includes Proposed Jury Instructions, Joint Verdict Forms & Motions in <i>Limine</i>		9/26/05
41	Final Pretrial Conference before Judge David Folsom		10/3/05
42	Jury Selection		To be determined.

This Docket Control Order shall not be modified except by leave of Court or upon agreement of all parties.

SIGNED this _____ day of _____, 2004,

HON. DAVID J. FOLSOM
UNITED STATES DISTRICT JUDGE